

II. **REMARKS**

The final Office Action dated December 31, 2009, and Advisory Action dated April 9, 2010, have been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1-3 and 5-42 are pending. Claims 3, 10-18, and 21-42 are withdrawn.

Claim 1 has been amended at this time. Support for the amendment can be found in the specification and claims as originally filed. For example, claim 1 has been amended to remove subject matter. This amendment is made without prejudice to or disclaimer of the subject matter. Applicants submit that no new matter has been added.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issues regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims, and (d) places the application in better form for appeal, should an appeal be necessary. Entry of this Amendment is thus respectfully requested.

Claims 1-2, 5-9, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuru (EP 0 376 331, hereinafter "Tsuru") in view of Holmberg (WO 01/66088, hereinafter "Holmberg"). Applicants traverse the rejection.

Presently amended claim 1 is directed to a "solid drug delivery composition comprising one or more NO-donating Non Steroidal Antiinflammatory Compound (s)

(NO-donating NSAID(s)) absorbed into porous particles, wherein the porous particles comprise a member selected from the group consisting of: microcrystalline cellulose; pregelatinised starch; calcium silicate; magnesium aluminometasilicate; and mixtures thereof.” Applicants note that claim 1 no longer recites “dibasic calcium phosphate, anhydrous, having a Ca to P ratio of 1.” Claims 2, 5-9, 19, and 20 depend from independent claim 1.

Applicants submit that Tsuru and Holmberg do not teach or suggest a “solid drug delivery composition” comprising one or more NO-donating NSAID absorbed into porous particles, “wherein the porous particles comprise a member selected from the group consisting of: microcrystalline cellulose; pregelatinised starch; calcium silicate; magnesium aluminometasilicate; and mixtures thereof” (claim 1) (emphasis added).

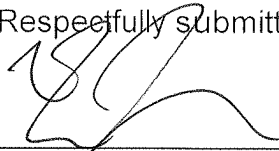
For at least the above reasons, Applicants submit that the presently claimed invention is patentable over Tsuru and Holmberg. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-2, 5-9, 19 and 20 under 35 U.S.C. § 103(a).

III. CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this response is not timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension, along with any other additional fees which may be required with respect to this response, may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. 026220-00054.

Respectfully submitted,



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